

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 3, 11, 13, 21, 23 and 24 have been amended. Claims 9 and 19 were previously canceled. No claims have been added. Thus, claims 1-8, 10-18 and 20-30 are pending.

CLAIM REJECTIONS - 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 1-8, 10-18 and 20-30 were rejected as failing to comply with the enablement requirement. The claims allegedly contain subject matter that was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. While Applicants disagree with the assertion that the various network connections are not enabled by the specification, the corresponding claim limitations have been deleted. The specification describes connections between multiple devices. One of ordinary skill in the art would recognize that multiple connections may be utilized to transmit the data described in the specification.

CLAIM REJECTIONS - 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-23 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

CLAIM REJECTIONS - 35 U.S.C. § 102(e)

Claims 1-8, 10-18 and 20-30 were rejected as being anticipated by U.S. Patent No. 5,926,624 issued to Katz, et al. (*Katz*). For at least the reasons set forth below, Applicants submit that claims 1-8, 10-18 and 20-30 are not anticipated by *Katz*.

The Final Office Action of May 17, 2004 states:

The prior art, Katz teaches a license management device (Server 260) generating a license with cardinality (Group ID) and the license transmitted to playback devices, wherein the number of playback devices are less or equal to the cardinality (number of playback devices storing the Group ID).

See page 2. Assuming this characterization of *Katz* is accurate, the Final Office Action points to nothing in the Group ID that indicates a number of playback devices that may be included in the group. The Group ID of Katz is merely a number that identifies a group. The Group ID does not indicate a number of playback devices in the group.

When the Group ID is originally distributed a particular number of playback devices receive and store the Group ID. However, the Final Office Action does not indicate any limitation on the distribution of the Group ID as clearly required in claims 1, 11, 21 and 24.

The Final Office Action further states:

Applicant broadly claims creating and transmitting a license having a first cardinality, the cardinality indicating the number of playback devices that can be authorized for playback..., however does not clearly state what kind of data is considered “license” which indicates the number of playback devices.

See page 2 (emphasis in Final Office Action). This characterization is inaccurate and claim 1 has been amended to clarify the invention. Referring, for example, to the specification:

License management device 510 enforces the cardinality restrictions of the licenses created. In one embodiment, license management device 510 causes licenses to be stored by playback devices by issuing one or more commands to the playback devices to which the licenses are targeted. In one embodiment, the commands are encrypted and/or signed to prevent cloning. License management device 510 can also cause the license to be included in digital content in a similar manner.

Alternatively, license management device 510 can communicate the creation of a license to an appropriate content provider that, in turn, includes the license in digital content.

See page 12, lines 8-15. It is the license management device that tracks the number of licenses issued and enforces the cardinality, not the numerical value of the license that indicates the cardinality. Therefore, the assertion of the Final Office Action that

...the examiner consider[s] the group ID as a license having a cardinality, since the group ID, [performs] the same functionality...

(See page 3) cannot be supported.

Amended claim 1 recites:

creating a first license having a first cardinality associated with the license, wherein the cardinality indicates the number of playback devices that can be authorized for playback of associated digital audio content, the license created by and the cardinality to be enforced by a license management device;

transmitting, via first network connection, information corresponding to the first license to a content provider from the license management device;

transmitting, via a second network connection, the first license to a first set of playback devices from the license management device, wherein the first set of playback devices is less than or equal to the first cardinality;

storing the first license in the first set of playback devices in response to a command from the license management device; and

determining whether playback of digital audio content received from the content provider is authorized by comparing the first license with the digital audio content with the first set of playback devices.

Thus, Applicants claim generating, with a license management device, a license having an associated cardinality. The license management device enforces the cardinality restrictions. The license is transmitted to a number of playback devices less than or equal to the cardinality. The playback devices compare the license to digital audio content to determine whether playback is authorized. Claims 11, 21 and 24 recite similar limitations.

Katz discloses a digital library and a mobile playback device that can be used to play digital content from the digital library. See Figure 2. *Katz* discloses that playback devices can be members of one or more groups. See col. 12, lines 39-67. However, *Katz* does not disclose a license with a cardinality that is generated by a license management device where the cardinality is enforced by the license management device. Therefore, *Katz* does not anticipate the invention as claimed in claims 1, 11 and 21.

Claims 2-8 and 10 depend from claim 1. Claims 12-18 and 20 depend from claim 11. Claims 22 and 23 depend from claim 21. Claims 25-30 depend from claim 24. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 2-8, 10, 12-18, 20, 22, 23 and 25-30 are not anticipated by *Katz* for at least the reasons set forth above.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-8, 10-18 and 20-30 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Application No. 09/222,336
Amendment dated November 18, 2004
Response to Office Action of May 18, 2004

Atty. Docket No. 02541.P009
Examiner Retta, Yehdega
TC/A.U. 3622

Please charge any shortages and credit any overcharges to our Deposit Account
number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: Nov 18, 2004


Paul A. Mendonsa
Attorney for Applicant
Reg. No. 42,879

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 439-8778

I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail with sufficient
postage in an envelope addressed to Commissioner for Patents,
P.O. Box 1430, Alexandria, VA 22313 on:

18 NOVEMBER 2004
Date of Deposit
DEBORAH L. HIGHAM
Name of Person Mailing Correspondence
DEBORAH L. HIGHAM
Signature 11-18-04
Date